

**REFLECTION (HURTT)
TWO-LOT FIRST MINOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: John Lavey 

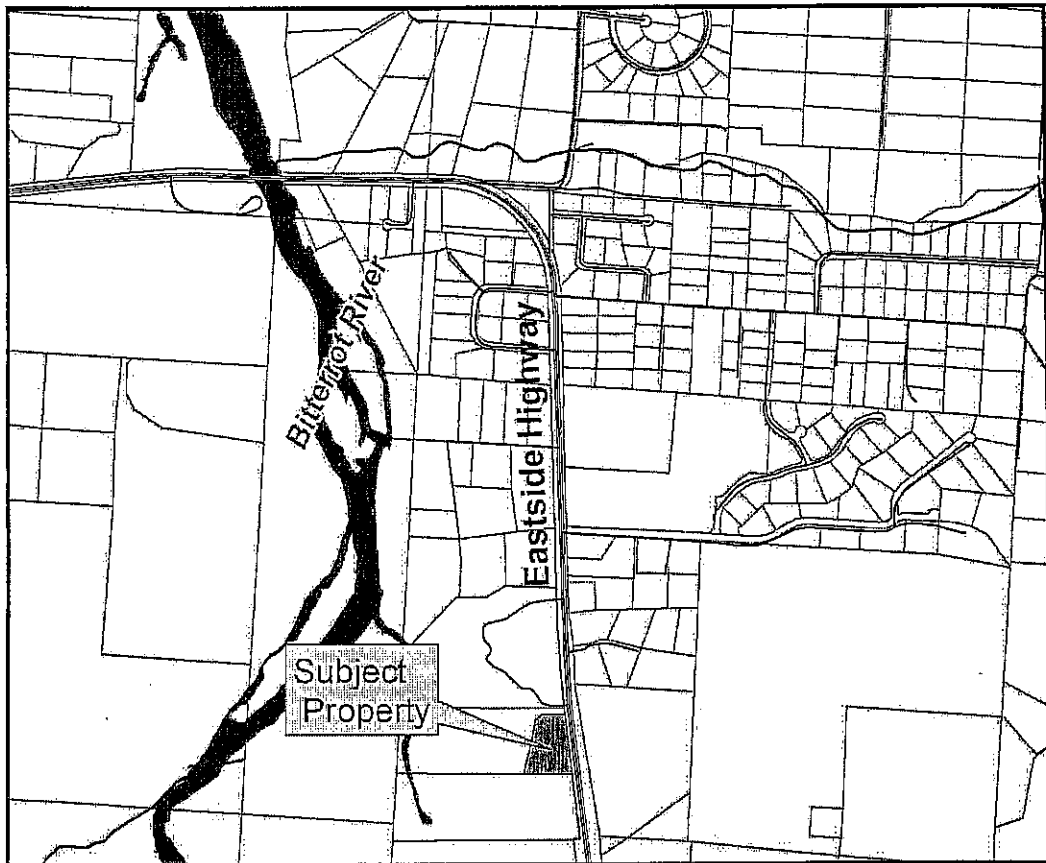
**REVIEWED/
APPROVED BY:** Renee Lemon 

**PUBLIC HEARINGS/
MEETINGS:** BCC Public Meeting: 9:30 a.m. March 26, 2008
Deadline for BCC action (35 working days): April 4, 2008

SUBDIVIDER/OWNER: Dave and Dolores Hurtt
5908 Eastside Highway
Florence, MT 59833

REPRESENTATIVE: WGM Group
Kristin Smith
PO Box 16027
Missoula, MT 59808

LOCATION OF REQUEST: The property is located southeast of Florence off Eastside Highway.
(See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

COS# 569431-A, located in Section 18, T10N, R19W, P.M.M.,
Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on February 14, 2008. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-16 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.** On November 7, 2006, voters enacted interim zoning that applied to any subdivision that had not received preliminary approval from the Board of County Commissioners. As a result of the *Lords et al. v Ravalli County* settlement agreement, legal counsel has advised, that subdivisions not part of the lawsuit that should have received a decision prior to the enactment of interim zoning, should be processed in accordance with the settlement.

LEGAL NOTIFICATION:

Notice of the project was posted on the property and adjacent property owners were notified by regular mail postmarked February 21, 2008. No public comments have been received.

**DEVELOPMENT
PATTERN:**

Subject property	Vacant
North	Farmstead Rural
South	Farmstead Rural
East	Agricultural Rural
West	Vacant

INTRODUCTION

The Reflection minor subdivision is a two-lot split proposed on 3.84 acres. Slopes of 25% or greater are located along the western property boundary, and will be encumbered by a no-build/alteration zone. The floodplain of the Bitterroot River is in close proximity to this subdivision, and a 100-foot wastewater facility setback is required and has been proposed from the floodplain.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS
MARCH 26, 2008

REFLECTION
TWO-LOT MINOR SUBDIVISION

RECOMMENDED MOTION

That the Reflection Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture*)

Notification of Irrigation Facilities and Easements. Within this subdivision there is an irrigation and drainage easement, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (*Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)

Notification of Water Rights. Neither Lot 1 nor Lot 2 within this subdivision currently have the right to take water from the irrigation and drainage ditches within this subdivision. Taking water without a water right for any purpose is illegal. Residents should consult with the Montana Department of Natural Resources for questions on water rights. (*Section 3-2-8(a) and Section 3-2-8(b)(v), RCSR, Effects of Agricultural Water User Facilities*)

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Eastside Highway frontage of this subdivision, excepting the approved approach to the internal subdivision road from Eastside Highway. All lots within this subdivision must use the approved approach. This limitation of access may be lifted or amended only with the approval of the Montana Department of Transportation and the Board of Ravalli County Commissioners. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)

Notification of Road Maintenance Agreement. The internal subdivision road, Reflection Court, is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road maintenance agreement for this road was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services*)

Notification of No-Build/Alteration Zone. Within this subdivision there is a no-build/alteration zone, as shown on the plat, to restrict building in areas with steep slopes. No new structure

may be constructed in this area. No new utilities may be constructed in this area. No fill may be placed in this area and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through this area are not permitted. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Notification of "Very Limited" Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as very limited for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the very limited soils in question are included as exhibits to this document [*the applicant shall include the reduced plat and exhibits as attachments*]. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety*)

Floodplain Development. This property is located in close proximity to the Floodplain of the Bitterroot River. The banks of the River are subject to potential soil erosion, flooding and movement of the River's channel. Approval of this subdivision is not a guarantee that properties within this subdivision will be safe from flooding and/or surfacing high groundwater. It is recommended that property owners obtain flood insurance. No paving is permissible in areas delineated as being within the 100-year floodplain. For a complete table of development restrictions and allowances in and near the floodplain, consult the effective Ravalli County Floodplain Regulations. All development within the 100-year floodplain must meet the minimum development standards set forth in the effective Ravalli County Floodplain Regulations. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety*)

Notification of Wastewater Facility Setback. There is a 100-foot wastewater facility setback from the Bitterroot River floodplain boundary. See Section 4.2(J) of the Ravalli County Subsurface Wastewater Treatment and Disposal Regulations or contact the Ravalli County Environmental Health Department for more information. The 100-foot setback is shown on the final plat. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Public Health and Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Floodplain Development. This property is located in close proximity to the floodplain of the Bitterroot River. The banks of the River are subject to potential soil erosion, flooding and movement of the River's channel. A professional survey has been done for this subdivision and portions of the property are located in close proximity to the 100-year floodplain of the Bitterroot River. Approval of this subdivision is not a guarantee that properties within this subdivision will be safe from flooding and/or surfacing high groundwater. It is recommended that property owners obtain flood insurance. No paving is permissible in areas delineated as being within the 100-year floodplain. For a complete table of development restrictions and allowances in and near the floodplain, consult the effective Ravalli County Floodplain Regulations. All development within the 100-year floodplain must meet the minimum development standards set forth in the effective Ravalli County Floodplain Regulations. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety*)

Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services*)

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Each lot owner shall obtain or be provided and read a copy of the brochure "Living with wildlife," available from the Montana Fish, Wildlife & Parks office in Missoula for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov. (Section 3-2-8(b)(v), RCSR, *Effects on Agriculture and Wildlife & Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees or orchards** are a major wildlife attractant, and fruit-bearing trees and shrubs can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. Gardens should be fenced with one-foot of fencing material below ground level and be at least eight feet in height, in order to discourage wildlife such as deer from feeding in gardens. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. Electric fencing is necessary to effectively prevent wildlife such as bears from entering a garden or fruit tree/shrub area, but only if the fence is properly constructed and regularly monitored and maintained to ensure proper use and function. Consult with the Montana Department of Fish, Wildlife and Parks on the proper techniques to develop and maintain an effective electric fence.
- c. If stored outdoors, **garbage** should be in secure bear-resistant containers; otherwise it should be stored indoors prior to curbside pick-up or transport to a centralized garbage collection site, in order to avoid attracting wildlife such as bears and raccoon. If curbside garbage pick-up is available, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening. (Consult Montana Fish, Wildlife & Parks for information on purchasing or constructing bear-resistant trash containers or storage areas.)
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears, and outdoor birdfeeders are strongly discouraged from April 1st through the end of November. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.

- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

No-Build/Alteration Zone. Within this subdivision there is a no-build/alteration zone, as shown on the plat, to restrict building in areas with steep slopes. No new structure may be constructed in this area. No new utilities may be constructed in this area. No fill may be placed in this area and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through this area are not permitted. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Wildlife and Wildlife Habitat*)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact the Ravalli County Environmental Health Department for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety*)

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Natural Environment*)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Florence Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Access Requirements for Lots within this Subdivision. The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire Department for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Building Standards. The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Section 3-2-8(b)(v), RCSR, Effects on the Natural Environment*)

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Section 3-2-8(b)(v), RCSR, Effects on all six criteria*)

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose

allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (Section 3-2-8(b)(v), RCSR, Effects on Local Services)

4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)
5. Prior to final plat approval, the subdividers shall provide a letter from the Florence Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the subdividers may provide evidence that a \$500 per lot contribution has been submitted to the Florence Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire District for further information". (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)
7. The final plat shall show a no-ingress/egress zone along the Eastside Highway frontage of the subdivision, excepting the approved approach to the internal subdivision road from Eastside Highway, as approved by the Montana Department of Transportation. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)
8. Stop signs and road name signs shall be installed at the intersection of the internal subdivision road with Eastside Highway prior to final plat approval. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)
9. The subdivider shall submit an (amount)-per-unit contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety))
10. The internal subdivision road shall be labeled as a "public road and utility easement" on the final plat. (Section 3-2-8(a) and Section 3-2-8(b)(v), RCSR, Effects on Local Services)
11. The subdivider shall submit a letter or receipt from the Florence School District stating that they have received an (amount)-per-lot contribution prior to final plat approval. (Section 3-2-8(b)(v), RCSR, Effects on Local Services)
12. The final plat shall show the no-build/alteration zone on the steep slopes, as shown on the preliminary plat. (Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Public Health & Safety)
13. The 40-foot wide irrigation and drainage easement on Lot 2 shall be shown on the final plat as shown on the preliminary plat. (Section 3-2-8(b)(v), RCSR, Effects on Agricultural Water User Facilities)

14. The 100-foot wastewater treatment facility setback shall be prominently shown on the final plat with a label in large, bold font. Also, ensure that the setback is shown on the map approved by DEQ. (Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Public Health and Safety)

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as may be required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required on the Final Plat:
 - a. Project name
 - b. Title block
 - c. Certificate of registered owner – notarized
 - d. Certificate of registered land surveyor with seal
 - e. Certificate of governing body approval
 - f. Signature block for Clerk and Recorder, preferably in lower right hand corner
 - g. Certificate of public dedication
 - h. Certificate of park cash-in-lieu payment
 - i. Other certifications as appropriate
 - j. North arrow
 - k. Graphic scale
 - l. Legal description
 - m. Property boundaries (bearings, lengths, curve data)
 - n. Pertinent section corners and subdivision corners
 - o. Names of adjoining subdivisions/certificates of survey
 - p. Monuments found
 - q. Witness monuments
 - r. Acreage of subject parcel
 - s. Curve data (radius, arc length, notation of non-tangent curves)
 - t. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - u. Lots and blocks designated by number (dimensions/acreage)
 - v. Easements/rights of ways (location, width, purpose, ownership)
 - w. Dedication for public use
 - x. No-build/alteration zones
 - y. No-ingress/egress zones
 - z. Water resources (rivers, ponds, etc.)
 - aa. Floodplains
 - bb. Irrigation canals including diversion point(s), etc.
 - cc. High-pressure gas lines
 - dd. Existing and new roads (names, ownership, etc.)
 - ee. Existing and proposed utility, irrigation, and drainage easements, as shown on the preliminary plat, shall be shown on the final plat.
 - ff. No ingress/egress zones along Eastside Highway, excepting the approved approach off Eastside Highway.
 - gg. No-build/alteration zones, as shown on the preliminary plat, shall be shown on the final plat.

- hh. The internal subdivision road shall be labeled as "public road and utility easement" on the final plat.
 - ii. The 40-foot wide irrigation and drainage easement shall be shown on the final plat as shown on the preliminary plat.
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
 4. Any variance decisions shall be submitted with the final plat submittal.
 5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
 6. The final plat review fee shall be submitted with the final plat submittal.
 7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
 8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
 9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
 10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
 11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
 12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurers Office for the payment of cash-in-lieu of parkland dedication.
 13. Road and Driveway approach and encroachment permits from RCRBD and/or MDOT as appropriate.
 14. Evidence of Ravalli County approved road name petitions for each new road.
 15. Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineering plans.
 16. Final Road Plans and Grading and Storm Water Drainage Plans for the internal roads shall be submitted with the final plat submittal.
 17. Road certification(s).
 18. Utility availability certification(s) shall be submitted with the final plat submittal.
 19. A Road Maintenance Agreement, signed and notarized, shall be submitted with the final plat submittal.
 20. Signed and notarized Master Irrigation Plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property.
 21. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch.
 22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
 23. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
 24. A copy of the letter sent to the Florence School District stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
 25. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations.
 26. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement.

Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2).

- a. Specific infrastructure improvements required for this subdivision are the installation of stop signs and road name signs at roadway intersections and the construction of the internal subdivision road.

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utilities are located along the Eastside Highway frontage of the subdivision, and in the easement for Reflection Court. (Reflection Subdivision File)
2. A proposed 60-foot wide road and utility easement, Reflection Court, will provide utilities to proposed Lots 1 and 2. (Reflection Subdivision File)
3. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property gains legal and physical access from Eastside Highway. (Reflection Subdivision File)
2. The internal road Reflection Court will provide legal and physical access to all lots within the subdivision. (Reflection Subdivision File)
3. Approximately 60-feet of the easement for Reflection Court traverses an adjacent property to the north. The subdivider is the owner of the parcel to the north. (Reflection Subdivision File)
4. A Road Maintenance Agreement outlines what parties are responsible for maintaining the road within the subdivision, and under what conditions. (Reflection Subdivision File)
5. *The following condition and requirements will ensure there is legal and physical to both lots:*
 - *The applicants are required to submit an approach permit from MDT for the internal subdivision road approach. (Final Plat Requirement 13)*
 - *The applicants are required to construct the internal subdivision road to meet County standards prior to final plat approval. (Final Plat Requirement 26)*
 - *The applicants shall provide for a 60-foot wide public road and utility easement for the internal subdivision road on the final plat. (Condition 10 and Final Plat Requirement 2)*

Conclusion of Law

Legal and physical access will be provided on Eastside Highway and the internal road.

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.

Findings of Fact

1. The applicant is proposing to construct Reflection Court to meet current county standards. The road plans have been preliminarily approved by the Ravalli County Road and Bridge Department. (Reflection Subdivision File) (Exhibit A-10)
2. The applicant is required to submit evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval. The subdivider may submit an

improvements guarantee with the final plat submittal. (Section 3-4-4(a)(xxvi) and Section 3-4-2, RCSR)

3. *Specific infrastructure improvements required for this subdivision are the installation of a stop sign and road name sign at roadway intersection and the construction of the internal subdivision road. (Condition 8 and Final Plat Requirement 26)*

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
 - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (iii) reserve and sever all surface water rights from the land.
2. There are no water rights associated with this property. (Reflection Subdivision File)

Conclusion of Law

Since there are no water rights, this prerequisite does not apply.

- E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
 - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. The applicant is proposing a 40-foot wide irrigation/drainage easement on an existing pipeline, which traverses the southern portion of Lot 2. (Reflection Subdivision File)
3. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
4. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and conditions shall be met prior to final plat approval:*

- *The proposed 40-foot wide irrigation/drainage easement is required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
- *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*
- *A notification that lot owners do not have the right to take water from the irrigation pipeline shall be included in the notifications document. (Condition 1)*

Conclusion of Law

With the conditions and requirements of final plat approval, this prerequisite will be met.

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Finding of Fact

Parkland dedication is not required for two-lot first minor subdivisions. (Section 3-3-2(b), RCSR)

Conclusion of Law

This requirement is not applicable.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The lot layout as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Reflection Subdivision File)
2. This development plan proposal has followed the necessary application procedures and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations. (Reflection Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The procedures for the application and review of this proposed subdivision as outlined in Chapter 3 of the RCSR, have been followed.

B. Applicable zoning regulations.

Findings of Fact

1. This subdivision was not subject to the settlement agreement filed in the *Lords et al. v. Ravalli County* lawsuit regarding the Interim Zoning Regulations enacted November 7, 2006. However, based on a timeline established by the County, the subdivision should have received a decision prior to the interim zoning regulations coming into effect. On the advice of legal counsel, the subdivision is being reviewed as if it was part of the settlement and may be affected by future actions resulting from said settlement.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (Reflection Subdivision File)

Conclusion of Law

Zoning does not apply at this time.

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are no existing covenants on the property. (Reflection Subdivision File)

Conclusion of Law

Since there are no covenants, this does not apply.

D. Other applicable regulations.

Findings of Fact

1. Following are applicable regulations:

- Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
- Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
- Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
- Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
- Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)

2. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed minor subdivision on 3.84 acres will result in two lots that range in size from 1.83 to 2.01 acres. The property is located east of the community of Florence off Eastside Highway. (Reflection Subdivision File)
2. The property is adjacent to other agricultural properties. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program)
3. The property has been used as pasture for horses in the recent past. (Reflection Subdivision File)
4. According to the Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), there is one type of soil listed as Prime Farmland if irrigated (map unit 130B). This soil composes approximately 15% of the property. (Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
5. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Spotted Knapweed was scattered on the property. The plan has been approved by the Weed Board and Section 3-4-5(b)(vi) requires that the plan is filed with the final plat. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, the plan shall be submitted to the weed board for approval by the board. (Reflection Subdivision File)
6. The application states that the subdivider has preserved 16 acres immediately to the west of the proposed subdivision for the sole use of agriculture, but did not describe how the land is

preserved or how they will ensure agricultural use will be the sole use of the land. The property is owned by the same individual proposing this subdivision. (Reflection Subdivision Application)

7. *Following are conditions and requirements of final plat approval that will help mitigate the impacts of the subdivision on agriculture:*

- *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
- *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
- *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on agriculture will be reduced.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. There are no water rights associated with this property. (Reflection Subdivision Application)
2. There is an existing irrigation pipeline traversing the southern portion of Lot 2. The pipeline will be located within a proposed 40-foot irrigation/drainage easement. (Reflection Subdivision Application)
3. *To mitigate impacts on agricultural water user facilities the applicant shall meet the following conditions and requirement:*
 - *A notification of the irrigation ditch traversing Lot 2 and the associated easement shall be included in the Notifications Document. (Condition 1)*
 - *A notification that neither of the lots have water rights shall be included in the Notifications Document. (Condition 1)*
 - *The 40-foot wide irrigation and drainage easement on Lot 2 shall be shown on the final plat as shown on the preliminary plat. (Condition 13 and Requirement 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agricultural water user facilities.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire Department

1. The subdivision is located within the Florence Rural Fire District. (Reflection Subdivision File)
2. The All Valley Fire Council, which includes the Florence Rural Fire District, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire District) that address access, posting of addresses, and water supply requirements. (Exhibit A-11)
3. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
 - *Provisions in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *The covenants shall include a recommendation that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. For more information, contact the Montana Department of Labor and Industry, at PO Box 1728, Helena, MT 59624-1728 or call 406-444-2840. (Condition 2)*
 - *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*

- Prior to final plat approval, the subdividers shall provide a letter from the Florence Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Florence Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)
- The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire District for further information". (Condition 6)

School District

4. The proposed subdivision is located within the Florence-Carlton School District. (Reflection Subdivision File)
5. It is estimated that approximately one school-aged child will be added to the Florence School District, assuming an average of 0.5 children per household. (Census 2000)
6. The applicant is proposing to contribute \$250 to the School District. (Reflection Subdivision File)
7. Notification letters were sent to the Florence School District requesting comments on August 1, 2007 and February 21, 2008. (Reflection Subdivision File)
8. In a letter received August 9, 2007, the Florence-Carlton school district requested \$10, 418 per lot – an amount based off an impact fee study completed for the district. (Exhibit A-1)
9. The cost per pupil for one year in the Florence School District, excluding capital costs, is \$6,686. Taxes from new residents are not immediately available to the school districts. (Exhibit A-15)
10. Staff recommends that the applicant negotiate a contribution with the BCC, in consultation with the Florence School District, if possible, to mitigate potential impacts of the additional students on the School District. (Condition 11 and Final Plat Requirement 24)

Public Safety

11. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Reflection Subdivision File)
12. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on August 1, 2007 and February 21, 2008, but no comments have been received from the Sheriff's Office. (Reflection Subdivision File)
13. This proposed subdivision is located approximately 30 miles from the Sheriff dispatch in Hamilton. (Ravalli County GIS Data)
14. The average number of people per household in Ravalli County is 2.5. (Census 2000)
15. The applicant has not proposed any mitigation for the impacts of the additional 2.5 people on Public Safety Services prior to taxes being collected for the additional households. (Reflection Subdivision Application)
16. The applicant is not proposing a contribution to the Sheriff's Office, E-911, or the Department of Emergency Services. (Reflection Subdivision File)
17. To mitigate impacts on Ravalli County Public Safety Services, the subdivider shall submit a (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 9)

Roads

18. There are two proposed residential lots within this subdivision. It is estimated at build-out that this subdivision could generate a total of 8 additional vehicular trips per day, assuming eight trips per day per lot. (Reflection Subdivision File)

19. Eastside Highway provides access to the site. (Reflection Subdivision File and Ravalli County GIS Data)
20. The applicant is not required to improve or pay pro rata towards improving Eastside Highway. (Section 5-4-5, RCSR)
21. The applicant has received an approved approach permit from the Montana Department of Transportation (Reflection Subdivision Application)
22. There is a proposed Road Maintenance Agreement for the internal road Reflection Court. (Reflection Subdivision File)
23. It does not appear that the applicant is proposing a stop sign and road name sign at the intersection of Reflection Court with Eastside Highway. (Reflection Subdivision File)
24. The applicant is proposing to construct Reflection Court to meet County standards. (Reflection Subdivision Application)
25. The road plans have received preliminary approval from the Ravalli County Road and Bridge Department. (Exhibit A-10)
26. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
 - *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)*
 - *Prior to final plat approval, evidence of Ravalli County approved road name petition for the new road shall be provided. (Final Plat Requirement 14)*
 - *Final Road Plans and Grading and Storm Water Drainage Plans for the internal roads shall be submitted with the final plat submittal. (Final Plat Requirement 16)*
 - *A Road Maintenance Agreement shall be signed, notarized, and submitted for the internal roads. (Final Plat Requirement 19)*
 - *A notification of the Road Maintenance Agreement for the internal roads shall be included in the notifications document filed with the final plat. (Condition 1)*
 - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)*
 - *A stop sign and road name sign shall be installed at the intersection of Reflection Court with Eastside Highway prior to final plat approval. (Condition 8)*
 - *The easements for the internal subdivision roads shall be labeled as public road and utility easements on the final plat. (Condition 10)*
 - *The final plat shall show a no-ingress/egress zone along the Eastside Highway frontage of the subdivision, excepting the approved approaches to Reflection Court from Eastside Highway, as approved by the Montana Department of Transportation. (Condition 7 and Final Plat Requirement 2)*
 - *A notification of the limitation of access will be included in the notifications document. (Condition 1)*
 - *The applicant shall submit a final approved approach permit from the Montana Department of Transportation prior to final plat approval. (Final Plat Requirement 13)*

Ambulance Services

27. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department and/or Missoula Emergency Services. Marcus Daly and Missoula Emergency Services were contacted, but no comments have been received to date. (Reflection Subdivision File)
28. *To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*

Water and Wastewater Districts

29. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Reflection Subdivision File)

Solid Waste Services

30. Bitterroot Disposal provides service to this site. (Reflection Subdivision File)
31. Notification letters were sent to Bitterroot Disposal requesting comments on August 1, 2007 and February 21, 2008, but no comments have been received. (Reflection Subdivision File)

Utilities

32. The proposed subdivision will be served by Ravalli Electric Cooperative and Qwest Communications. Utility companies have been notified of the proposed subdivision. (Reflection Subdivision File)
33. Notification letters were sent to the utility companies requesting comments on August 1, 2007 and February 21, 2008. No comments have been received by either power company. (Reflection Subdivision File)
34. *The following requirements will mitigate impacts of the subdivision on local utilities:*
 - *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
 - *The applicant shall submit utility availability certifications from Northwestern Energy, Ravalli Electric Cooperative, and Qwest Communications prior to final plat approval. (Final Plat Requirement 18)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Surface Water Features

1. The Bitterroot River is considered a "waters of the United States" and is therefore protected under the Clean Water Act. (33 Code of Federal Regulations Part 328)
2. Wastewater facilities are required to be setback 100 feet from the floodplain of the Bitterroot River. (Article 4, Section 4.2(J), Ravalli County Subsurface Wastewater Treatment and Disposal Regulations)
3. The applicant is proposing a no-build/alteration zone on the steep slopes along the western property boundary. (Reflection Subdivision File)
4. The applicants are proposing individual wells and wastewater treatment facilities for all Lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Reflection Subdivision File)
5. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-4, MCA 76-3-622)
6. *To mitigate impacts on the Natural Environment, the applicant is required to complete the following:*
 - *Submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*
 - *The no-build/alteration zone shall be shown on the final plat as proposed on the preliminary plat. (Condition 12 and Final Plat Requirement 2)*
 - *A provision explaining the no-build/alteration zones shall be included in the covenants. (Condition 2)*
 - *The 100-foot wastewater treatment facility setback shall be prominently shown on the final plat with a label in large, bold font, and the notifications document shall include a provision*

referring to the setback. Also, the setback shall be shown on the map approved by DEQ. (Conditions 1 and 14)

Light Pollution

7. The addition of residences in this area has the potential to increase light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark Sky Association)
8. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Air Pollution

9. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana: <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
10. *To mitigate impacts on air quality, the covenants shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 2)*

Vegetation

11. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Spotted Knapweed was scattered on the property. (Reflection Subdivision File)
12. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (MCA 7-22-2152)
13. According to the Montana Natural Heritage Program, there are no sensitive plant species located within the same section as this subdivision. (Reflection Subdivision File and MNHP)
14. *To mitigate impacts on natural environment, the following items will be required for final plat approval:*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
 - *The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision. (Final Plat Requirement 11)*
 - *The no-build alteration zone will be shown on the final plat as proposed on the preliminary plat. (Condition 12 and Final Plat Requirement 2)*
 - *The covenants shall include a provision explaining the no-build/alteration zones. (Condition 2)*
 - *A notification of the no-build/alteration zones shall be included in the notifications document. (Condition 1)*

Historical/Archeological Sites

15. There are no known sites of historical significance on the property. (Reflection Subdivision File)
16. *To ensure that any possible historical sites are preserved, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. Notification letters were sent to Montana Fish, Wildlife, and Parks (MFWP) requesting comments on August 1, 2007 and February 21, 2008. (Reflection Subdivision File)
2. MFWP did not comment on the proposal, but have submitted comments for similar subdivisions. (Reflection Subdivision File)
3. On March 19, 2008, Planning Staff contacted by phone MFWP to determine whether comments would be submitted. At the time of the printing of this staff report, no comments have been received. (Staff Determination)
4. The property is not located within big-game winter range. (FWP GIS Data)
5. According to the Montana Natural Heritage Program, the Lewis's Woodpecker was identified as animal species of concern that could exist in the same section as the proposal. The subdivider requested and received a waiver from the requirement to submit a sensitive species report for the species based on a lack of habitat on the property. (Exhibit A-6 and Reflection Subdivision File)
6. *To mitigate impacts on wildlife, the following conditions shall be met:*
 - *The covenants shall include a living with wildlife section. (Condition 2)*
 - *The protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Eastside Highway. (Reflection Subdivision File)
2. *The requirements and conditions listed under Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Florence Rural Fire District, the Ravalli County Sheriff's Office, Ravalli County E-911, and the Ravalli County Department of Emergency Services, Missoula Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Reflection Subdivision File)
4. *The requirements and conditions listed under Fire Department, Public Safety, Emergency Services, and Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

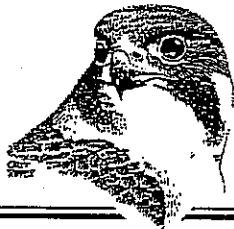
5. The applicant is proposing individual wells and wastewater facilities to serve all lots. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Reflection Subdivision File and Exhibit A-4)
6. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Natural and Man-Made Hazards

7. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
8. The preliminary plat and soils map indicate there are soil types on the property that are considered "Very Limited" for construction of roads and/or buildings. (Reflection Subdivision File)
9. The length of the western property boundary has slopes greater than 25%. The applicant is proposing to place a no-build/alteration zone along these steep slopes. (Reflection Subdivision File)
10. A professional survey for this property shows that the floodplain of the Bitterroot River is located along the western property boundary. (Exhibit A-9)
11. *To mitigate impacts on the public's health and safety, the following conditions shall be met:*
 - *The covenants shall include a statement regarding radon exposure. (Condition 2)*
 - *The protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
 - *A notification of "Very Limited" soils shall be included in the notifications document. (Condition 1)*
 - *The no-build/alteration zone shall be shown on the final plat as shown on the preliminary plat. (Condition 12)*
 - *Provisions regarding the no-build/alteration zone shall be included in the notifications document and in the covenants documents. (Conditions 1 and 2)*
 - *A notification of the proximity of the Bitterroot River will be included in the notifications document. (Condition 1)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.



FLORENCE
CARLTON
SCHOOL

EXHIBIT A-1

FCS Home Page: www.florence.k12.mt.us

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Florence MT 59833

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CHRISSY HULLA
ASST. PRINCIPAL, GR. K-5
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JULIE MASON
BUSINESS MANAGER
Ph. (406) 273-6751

August 9, 2007

Ravalli County Planning Department
215 South 4th Street; Suite F
Hamilton, MT 59840

Re: Reflection (Hurtt) First Minor Subdivision

Dear Ms. De Groot:

Your letter to the Florence-Carlton School District dated August 1, 2007, requested comments about the Reflection First Minor Subdivision. In anticipation of this and other subdivisions, our district formed a Mitigation Fee Committee. This committee took an in depth look at the impact subdivisions would have on our district. They used information commonly requested by the county commissioners when reviewing subdivisions, and information from an August 8, 2006 Impact Fee Study completed for our district. You will find that the district is requesting a fee of \$10,418 per lot, and will file this request with the Ravalli County Planning Board. We also wish to have it on record that the District will not provide transportation services for any students who do live on county roads.

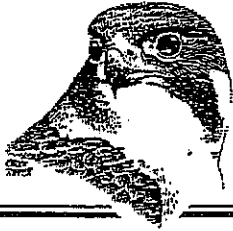
If you have any questions, please do not hesitate to contact me.

Sincerely,

John C. McGee
Superintendent

RECEIVED

AUG 10 2007
JC-07-08-998
Ravalli County Planning Dept.



FLORENCE
CARLTON
SCHOOL

FCS Home Page: www.florence.k12.mt.us

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K-06-08-1304
Ravalli County Planning Dept.

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JULIE LORENSEN
BUSINESS MANAGER
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August 14, 2006

EXHIBIT A-2

Ravalli County Planning Office
215 S. 4th Street, Suite F
Hamilton, MT 59840

Re: Reflection Subdivision

To whom it may concern:

Your letter to the Florence-Carlton School District dated August 9, 2006, requested comments about the Reflection Subdivision. In anticipation of this and other subdivision, our district formed a Mitigation Fee committee. This committee took an in depth look at the impact subdivisions would have on our district. They used information commonly requested by the county commissioners when reviewing subdivisions, and information which will be required by Senate Bill No. 185 recently enacted by the state legislature. You will find that the district is requesting a fee of \$5,312.50 per lot, and will file this request with the Ravalli County Planning Board. We also wish to have it on record that the District will not provide transportation services for any students who do not live on county roads.

It appears this subdivision might be in the Stevensville School District. Florence-Carlton School District is not allowing out of district students to attend our school.

If you have any questions, please do not hesitate to contact me.

Sincerely,

John McGee
Superintendent



Missoula District Office
2100 W Broadway
PO Box 7039
Missoula, MT 59807-7039

RECEIVED

AUG 25 2006
1006-08-1351
Ravalli County Planning Dep

August 24, 2006

Kristin Smith
WGM Group, Inc.
P.O. Box 16027
Missoula, MT 59808-6027

EXHIBIT A-3

Subject: Reflection Subdivision – Eastside Highway

Thanks for writing the Montana Department of Transportation (MDT) regarding the proposed 2-lot minor subdivision "Reflection Subdivision". The proposed subdivision is located adjacent to the Eastside Highway (S-203) in Ravalli County.

From the submitted information, it appears the subject property uses an existing private access to the eastside highway. MDT is currently reviewing an approach application submitted for the subject subdivision.

I have no further comments or concerns. Should you have any further questions, please give me a call at (406) 523-5800.

Sincerely,

Glen Cameron
Missoula District Traffic Engineer

copies: Gary Hornseth, Missoula Area Maintenance Superintendent
Ravalli County Planning, 215 South 4th Street, Suite F Hamilton, MT 59840

SUBDIVISION APPLICATION PACKET CHECKLIST - Water and Sanitation Information Per MCA 76-3-622

Name of Subdivision: *REFLECTIONS SUBDIVISION*Subdivider/Landowner Name(s): *DAVID HURTT*Consultant Name: *WGM*

EXHIBIT A-4

Date Received:

Sufficiency Review Due Date:

Yes	No	N/A	Item	Additional Information/Staff comments
-----	----	-----	------	---------------------------------------

(1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.

<input checked="" type="checkbox"/>			Provide two copies of the following information with a check paid to RCEH for their \$50.00 sufficiency review fee.	
<input checked="" type="checkbox"/>			(a) Vicinity Map or Plan	
<input checked="" type="checkbox"/>			(i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:	
<input checked="" type="checkbox"/>			(A) flood plains	
<input checked="" type="checkbox"/>			(B) surface water features	
<input checked="" type="checkbox"/>			(C) springs	
<input checked="" type="checkbox"/>			(D) irrigation ditches	
<input checked="" type="checkbox"/>			(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems	
<input checked="" type="checkbox"/>			(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g);	
<input checked="" type="checkbox"/>			(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)	
<input checked="" type="checkbox"/>			(ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities	
<input checked="" type="checkbox"/>			(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.	
<input checked="" type="checkbox"/>			(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.	

RECEIVED

SEP 06 2006
100609-1412
Ravalli County Planning Dept.

Yes	No	N/A	Item	Additional Information/Staff comments
/			(d) Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:	
/			(i) A soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by DEQ.	
/			(ii) Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer.	
/			(iii) In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii);	
/			(e) For new water supply systems, unless cisterns are proposed, evidence of adequate water availability:	
/			(i) obtained from well logs or testing of onsite or nearby wells;	
/			(ii) obtained from information contained in published hydrogeological reports; <u>OR</u>	
/			(iii) as otherwise specified by rules adopted by DEQ pursuant to 76-4-104;	
/			(f) Evidence of sufficient water quality in accordance with rules adopted by DEQ pursuant to 76-4-104;	
/			(g) A preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality.	The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4.

Myron Jewell RS



Montana Department of Transportation

Jim Lynch, Director
Brian Schweitzer, Governor

Missoula District Office
2100 W Broadway
PO Box 7039
Missoula, MT 59807-7039

RECEIVED

AUG 08 2007

IC-07-08-982
Ravalli County Planning Dept.

August 7, 2007

Jennifer De Groot
Ravalli County Planning
215 South 4th Street; Suite F
Hamilton, MT 59840

EXHIBIT A-5

Subject: Reflection Subdivision – Eastside Highway

Thanks for writing the Montana Department of Transportation (MDT) regarding the proposed 2-lot minor subdivision "Reflection Subdivision". The proposed subdivision is located adjacent to the Eastside Highway (S-203) in Ravalli County.

Previous comments from MDT regarding this subdivision indicated an approach permit application was being completed for MDT review and approval. We do not show anything in our files indicating we approved an approach permit for the new subdivision using the existing access.

An approach permit needs to be submitted for review and approval. The approach should be designed to allow for safe ingress and egress from the highway.

Should you have any further questions, please give me a call at (406) 523-5800.

Sincerely,

Glen Cameron
Missoula District Traffic Engineer

copies: Gary Hornseth, Missoula Area Maintenance Superintendent
Kristin Smith, WGM Group, Inc., P.O. Box 16027, Missoula, MT 59808-6027

glen.cameron@mt.gov (406) 523-5800

re: Reflection Subdivision, Eastside Highway, Ravalli County, MT

cc: Jennifer De Groot

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ENGINEERING
SURVEYING
PLANNING

3021 Palmer • P.O. Box 16027 • Missoula, Montana 59808-6027

(406) 728-4611
FAX: (406) 728-2476
wgmgroupp.com

October 18, 2006

RECEIVED

OCT 20 2006
IC-06-10-11655
Ravalli County Planning Dept.

Karen Hughes
Planning Director
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840

EXHIBIT A-6

RE: Request for Waiver of Sensitive Species Report on Reflection Subdivision

Dear Karen:

On behalf of the owner and subdivider of property near Florence, we are writing to request a waiver from preparing a Sensitive Species Report for the proposed Reflection Subdivision.

We have contacted the Montana Natural Heritage Society requesting additional information about the potential for sensitive species in the area and they have identified the Lewis' Woodpecker as possibly having habitat in Section 18 of Township 10 North, Range 19 West, wherein this subdivision lies.

According to the Montana Fish, Wildlife, and Parks Department this species of woodpecker inhabits open tree canopies, brushy understories with ground cover, dead trees for nest cavities, or dead or downed woody debris – locations suitable for perch sites and abundant insects. Their distribution is closely associated with open ponderosa pine forests in western North America, and is strongly associated with fire-maintained old-growth ponderosa pine, preferring open ponderosa pine at high elevations and open riparian forests at lower elevations. Because the species catches insects from the air, perches near openings or in open canopy are important for foraging habitat. Lewis' Woodpeckers are not well-adapted to excavating cavities in trees, hence their preference for post-burned areas with ready-made homesites in snags.

The Reflection Subdivision is located along the East Side Highway on flat, treeless ground. Since none of the preferable conditions exist on this property for habitat the likelihood of the woodpecker's presence seems low, and therefore the impact of the two proposed homesites, minimal.

*Waiver request approved
10/30/06
KPH*

RECEIVED

AUG 03 2007

IC-07-08-964
Ravalli County Planning Dept.



MONTANA
**Natural Heritage
Program**

P.O. Box 201800 • 1515 East Sixth Avenue • Helena, MT 59620-1800 • fax 406.444.0581 • tel 406.444.5354 • <http://mtnhp.org>

August 2, 2007

Jennifer De Groot
Projects Planner
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840

EXHIBIT A-7

Dear Jennifer,

I am writing in response to your request for information on plant and animal species of special concern in the vicinity of the Reflection Subdivision in Section 18, T10N, R19W in Ravalli County. We checked our databases for information in this general area and have enclosed 6 species of concern reports and one map.

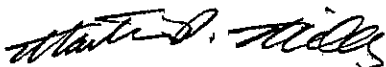
Please keep in mind the following when using and interpreting the enclosed information and maps:

- (1) These materials are the result of a search of our database for species of concern that occur in an area defined by requested township, range and section with an additional one-mile buffer surrounding the requested area. This is done to provide a more inclusive set of records and to capture records that may be immediately adjacent to the requested area. Reports are provided for the species of concern that are located in your requested area with approximately a one-mile buffer. Species of concern outside of this area may be depicted on the map but are not reported.
- (2) On the map, polygons represent one or more source features as well as the locational uncertainty associated with the source features. A source feature is a point, line, or polygon that is the basic mapping unit of an EO Representation. The recorded location of the occurrence may vary from its true location due to many factors, including the level of expertise of the data collector, differences in survey techniques and equipment used, and the amount and type of information obtained. Therefore, this inaccuracy is characterized as locational uncertainty, and is now incorporated in the representation of an EO. If you have a question concerning a specific EO, please do not hesitate to contact us.
- (3) This report may include sensitive data, and is not intended for general distribution, publication or for use outside of your agency. In particular, public release of specific location information may jeopardize the welfare of threatened, endangered, or sensitive species or communities.
- (4) The accompanying map(s) display management status, which may differ from ownership. Also, this report may include data from privately owned lands, and approval by the landowner is advisable if specific location information is considered for distribution. Features shown on this map do not imply public access to any lands.
- (5) Additional biological data for the search area(s) may be available from other sources. We suggest you contact the U.S. Fish and Wildlife Service for any additional information on threatened and endangered species (406-449-5225). Also, significant gaps exist in the Heritage Program's fisheries data, and we suggest you contact the Montana Rivers Information System for information related to your area of interest (406-444-3345).
- (6) Additional information on species habitat, ecology and management is available on our web site in the Plant and Animal Field Guides, which we encourage you to consult for valuable information. You can access these guides at <http://mtnhp.org>. General information on any species can be found by accessing the link to NatureServe Explorer.

The results of a data search by the Montana Natural Heritage Program reflect the current status of our data collection efforts. These results are not intended as a final statement on sensitive species within a given area, or as a substitute for on-site surveys, which may be required for environmental assessments. The information is intended for project screening only with respect to species of concern, and not as a determination of environmental impacts, which should be gained in consultation with appropriate agencies and authorities.

I hope the enclosed information is helpful to you. If in the future you would prefer to receive a digital PDF file instead of paper, just let me know. Please feel free to contact me at (406) 444-3290 or via my e-mail address, below, should you have any questions or require additional information.

Sincerely,



Martin P. Miller
Montana Natural Heritage Program
martinm@mt.gov



Haliaeetus leucocephalus

Element Occurrence Map Label: 35461

Element Subnational ID: 11331

EO Number: 91333

Common Name: Bald Eagle

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

State: S3

Global: G5

Federal Agency Status:

U.S. Fish & Wildlife Service: LT, PDL

U.S. Forest Service: THREATENED

U.S. Bureau of Land Management: SPECIAL STATUS

EO Rank:

EO Data

Oncorhynchus clarkii lewisi

Element Occurrence Map Label: 19807

Element Subnational ID: 14899

EO Number: 39265

Common Name: Westslope Cutthroat Trout

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

State: S2

Global: G4T3

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service: SENSITIVE

U.S. Bureau of Land Management: SENSITIVE

EO Rank:

EO Data

Oncorhynchus clarkii lewisi

Element Occurrence Map Label: 19979

Element Subnational ID: 14899

EO Number: 39210

Common Name: Westslope Cutthroat Trout

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

State: S2

Global: G4T3

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service: SENSITIVE

U.S. Bureau of Land Management: SENSITIVE

EO Rank:

EO Data



Oncorhynchus clarkii lewisi

Element Occurrence Map Label: 19980

Element Subnational ID: 14899

EO Number: 39211

Common Name: Westslope Cutthroat Trout

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

State: S2

Global: G4T3

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service: SENSITIVE

U.S. Bureau of Land Management: SENSITIVE

EO Rank:

EO Data

Melanerpes lewis

Element Occurrence Map Label: 30777

Element Subnational ID: 15135

EO Number: 90503

Common Name: Lewis's Woodpecker

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

State: S2B

Global: G4

Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

EO Rank:

EO Data

Canis lupus

Element Occurrence Map Label: 34799

Element Subnational ID: 10544

EO Number: 2

Common Name: Gray Wolf

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date: 1908

Description: Vertebrate Animal

Last Observation Date: 2006

Natural Heritage Ranks:

State: S3

Global: G4

Federal Agency Status:

U.S. Fish & Wildlife Service: LE,XN

U.S. Forest Service: ENDANGERED

U.S. Bureau of Land Management: SPECIAL STATUS

EO Rank:

EO Data

Point observation records are summarized for this entire region as follows (observations included animals and animal sign):

Pre-1970 = 20 harvest records, 0 observations

1970s = 0 harvest records, 15 observations

1980s = 0 harvest records, 5 observations

1990s = 13 harvest records, 16 observations

2000s = 131 harvest records, 11 observations (current to winter 2006-07)

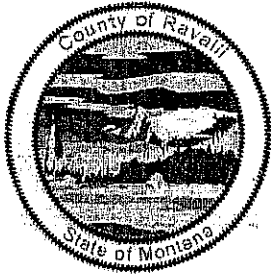


EXHIBIT A-8

Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
Phone 406-375-6530
Fax 406-375-6531
planning@ravallicounty.mt.gov

OG-07-08-882

MEMO

Date: August 14, 2007

To: Jen DeGroot, Ravalli County Projects Planner

From: Laura Hendrix, Ravalli County Floodplain Administrator *LH*

RE: Floodplain Issues – Proposed Reflection Subdivision (Hurt)
Parcel #1413500, Geocode #1870-18-3-02-01-0000

Thank you for the opportunity to comment on the above proposed subdivision. I have reviewed the preliminary plans plotted by WGM on July 3, 2007. My findings are as follows:

- According to the effective Subdivision Regulations, a floodplain analysis is not required for this particular subdivision since the nearby slough is located within the designated floodplain of the Bitterroot River.
- The County's adopted Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) indicate that the western portion of the subject property is within the mapped 100-year floodplain.
- WGM did not accurately transpose the boundary of the 100-year floodplain at the western edge of the proposed subdivision from the approximate floodplain maps.
- Floodplain (or base flood) elevations extend from about 3212.0' at the southern end of the parcel to approximately 3211.59' at the northern boundary of the parcel.
- The accuracy of the provided contour elevations are uncertain as they are not certified by a qualified surveyor or engineer.

As you may already be aware, the floodplain maps provide only an approximate location of the floodplain. The true location of the 100-year floodplain is where the base flood elevation intersects the natural ground surface. To ensure compliance with the County's Floodplain Regulations, it is necessary that the developer conduct a professional survey in order to more accurately define the location of the floodplain boundary. The surveyed elevations must be tied to the reference marks in the FIS and must be provided on the preliminary plat using the appropriate vertical datum (NAVD 88). The plat must be signed and certified by a Professional Land Surveyor or Professional Engineer.

All components of the proposed septic systems must be setback 100 feet from the 100-year floodplain boundaries. The 100-foot septic setback should also be shown on the plat to ensure compliance with septic-floodplain setback requirements.

August 24, 2007

EXHIBIT A-9

Jennifer DeGroot
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840

RE: Datum and Accuracy of Elevations shown on the Preliminary
Plat of Reflection Subdivision

Dear Jennifer:

I hereby attest to the following concerning the elevational data presented on the Preliminary Plat of Reflection Subdivision, located in the southwest quarter of Section 18, Township 10 North, Range 19 West, P.M.,M., Ravalli County, Montana:

1. The elevations shown on the preliminary plat are based on the North American Vertical Datum of 1988 (NAVD88).
2. The accuracy of these elevations is ± 0.3 feet, in an absolute sense relative to the datum.

If more information or discussion is desired, please feel free to contact me.

Sincerely,
WGM Group, Inc.



Kirk F. Adkins, PLS
Montana Professional Land Surveyor No. 16734LS



RECEIVED

NOV 08 2007

10-07-11-1417
Ravalli County Planning Dept.

David Ohnstad

From: David Ohnstad
Sent: Saturday, November 03, 2007 12:50 PM
To: John Lavey
Cc: Matt S
Subject: FW: Reflection Minor Subdivision
Attachments: Reflection Minor.pdf

EXHIBIT A-10

John -

The Road & Bridge Department will approve this preliminary design with the expectation and understanding that all concerns identified through the preliminary review process are appropriately addressed through final design. Based upon recommendation of the county's consulting engineers we will approve the requested design exception. We will forward the completion package to your office as soon as we receive it.

Matt - we will need copy of the correspondence between your office and the design engineer. Typically, we would want to review a design exception prior to approval - in this situation it appears to be a relatively minor issue.

David

DAVID H. OHNSTAD
COUNTY ROAD SUPERVISOR
RAVALLI COUNTY, MONTANA

From: Matt S [mailto:MattS@pcimontana.com]
Sent: Friday, October 12, 2007 5:04 PM
To: David Ohnstad
Cc: Janet Grove
Subject: Reflection Minor Subdivision

David,

Here is the review for the reflection minor subdivision.

Matthew S. Smith, P.E

Professional Consultants, Inc

P.O. Box 1750
3115 Russell Street
Missoula, MT 59803
Phone 406-728-1880
Fax 406-728-0276

11/3/2007

Professional Consultants Inc.

Unmatched Experience. Uncompromising Standards.

received
10-11-07



Missoula Office

3115 Russell Street • PO Box 1750 • Missoula, Montana 59806

406-728-1880 • fax 406-728-0276

Hamilton Office

1713 N. First Street • Hamilton, Montana 59840

406-363-1201 • fax 406-363-1215

October 12, 2007

David Ohnstad
Ravalli County Road and Bridge Department
244 Fairgrounds Road
Hamilton, MT 59840

RE: Reflection Court

Our office has completed the preliminary review of the preliminary road and drainage plans submitted for the proposed Reflection Subdivision. This review is step 6 on the RCRBD's Schedule of Activities- Processing and Coordination of the Subdivisions Projects" form. This review is based on the 2001 version of the AASHTO Geometric Design of Very Low-Volume Local Roads and AASHTO Guide for Design of Pavement Structures. The developer has provided a full copy of the road plan and profile drawings, typical road cross section, a storm drainage plan and a memo to Ravalli County Road Dept from the developer's Engineer that explains the criteria used during the design of the road.

The developer is requesting the design speed from Station 0+00 to Station 1+60 be reduced from 25 MPH to 15 MPH. A completed "Schedule for the Design Exception" was forwarded with the plans. Based upon the design engineers comments we agree with the design exception and recommend lowering the design speed in this area of the road to 15 MPH.

Other than the above mentioned design exception, the preliminary design for the Reflection Subdivision meets the minimum requirements of Ravalli County subdivision regulations.

An approach permit from MDT will be required and should be obtained prior to the final design review of the proposed road.

The storm drainage report complies with Article 8 of the Ravalli County Subdivision Regulations. In addition, the planning department requested we provide appropriate mitigation for the area next to the floodplain. According to the Preliminary Plat, the floodplain does not encroach upon the property. We do not believe that any mitigation is required for the floodplain on this property.

Please direct any questions to me at the above number.

Professional Consultants, Inc.

Matthew S. Smith, P.E.

EXHIBIT A-11

RECEIVED

SEP 13 2005

Hamilton
Rural Fire
DISTRICT

Consensus of All Valley Fire
Council.
Ravalli County Planning Dept.
TC-05-09-1707
Post Office Box 1994 Hamilton, MT 59840

FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.3.1 Required Access. Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

18.2.2.5.1 Dimensions. Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may include a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

18.2.2.5.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.

SPECIFIC REQUIREMENTS:

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

BUILDING STANDARDS

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

WATER SUPPLY

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

EXCEPTIONS: 1. When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.

RECEIVED

OCT 15 2007

IC-07-10-1305
Ravalli County Planning Dept.

Ravalli

County
MONTANA

EXHIBIT A-12

RECEIVED

OCT 15 2007

Ravalli County Commissioners

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October 15, 2007

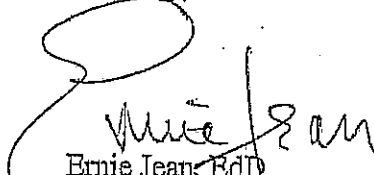
James Rokosch, Chair
Ravalli County Commissioners
215 South 4th Street, Suite A
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,


Ernie Jean, EdD
County Superintendent

BIG SKY DISTRICT
GROWTH MANAGEMENT

RECEIVED

JUN 11 2007

Ravalli County Planning Dept.

1C-07-06-729



June 8, 2007

EXHIBIT A-13

To: County Planning Office
Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day-one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

Mike Wyrwas
Growth Management Coordinator
Big Sky District

Randy Fifrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Fifrick
Subject: RE: Mail Delivery Options for New Subdivisions

EXHIBIT A-14

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas
Operations Programs Support

-----Original Message-----

From: Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]
Sent: Tuesday, June 26, 2007 8:59 AM
To: Wyrwas, Mike - Billings, MT
Subject: Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

6/29/2007

EXHIBIT A-15

Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Excl Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: * County levied Retirement and Transportation

Randy Fifrick

EXHIBIT A -1b

From: Jeffrey, Robert [rjeffrey@mt.gov]
Sent: Monday, December 31, 2007 12:22 PM
To: Randy Fifrick
Cc: Habeck, Bob; Wolfe, Debra; Merchant, Eric; Lea Jordan; Morgan Farrell
Subject: RE: Ravalli Co Air Quality

Hi Randy-

Thanks for your questions and sorry for my delayed reply - the demands of the holiday season caught up to me after our Dec. 12th meeting in Hamilton. Before I comment on your wood stove covenant, I would like to caveat my reply and state that I assume the subdivision review and approval process in Ravalli County stresses energy conservation as a very high priority, if not the highest, and it specifically discusses energy conservation in new home/business/commercial construction. In my opinion, it's purely a matter of common sense to stress energy conservation first before one decides on the selection of heating and cooling systems. With those comments in mind, I would slightly revise the text of your wood stove covenant to read as follows:

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The county further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the county strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers a generous Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the **Warm Hearts, Warm Homes** webpage (<http://deg.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Effects on the Natural Environment*)

Thanks for sharing this wood stove covenant statement with us. On the subject of education, DEQ is contemplating the revision of one of our older educational brochures on how to properly operate a wood stove to reduce air pollution. If DEQ were to print copies of a revised wood burning brochure, would the Ravalli County planning department consider including a copy of that brochure in their correspondence with building permit applicants? Thanks for partnering with DEQ as we work on improving and protecting the air quality in the Bitterroot Valley. If you have any questions, please contact me. Bob

Robert K. Jeffrey
 Air Quality Specialist
 Air Resources Management Bureau
 MT Dept. of Environmental Quality
 (406) 444-5280; fax 444-1499
 Email: rjeffrey@mt.gov

From: Randy Fifrick [mailto:rfifrick@ravalliacounty.mt.gov]
Sent: Thursday, December 13, 2007 1:49 PM
To: Jeffrey, Robert

1/16/2008

Subject: Ravalli Co Air Quality

Hi Robert,

I attended your initial meeting Wednesday afternoon in the Commissioners room. I work primarily on subdivision review for the county. Currently we include the following covenant in the conditional approval of new subdivisions:

Wood Stoves. The County recommends that home owners install EPA-certified wood stoves to reduce air pollution. It is recommended that wood burning stoves are not the primary heat source. More information is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Credit (<http://mt.gov/Revenue/energyconservation.asp>) for the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. (*Effects on the Natural Environment*)

Currently we can not do anything more than recommend this condition as our legal counsel has advised us anything more would be to close to a building code. The Planning Dept feels like education is important aspect of improving air quality in Ravalli County and we hope that this statement helps to educate the public.

What do you think of this statement and is there anything else we could do through our subdivision review process to mitigate the effects of new development on air quality in the county.

Thanks,

Randy Fitrick
Ravalli County Assistant Planner
215 S 4th St, Suite F
Hamilton, MT 59840
406-375-6530
rfitrick@ravallicounty.mt.gov

1/16/2008